



## 1995 ASSEMBLY BILL 745

December 19, 1995 - Introduced by Representatives TRAVIS, OTT, HUBER, SCHNEIDERS, RILEY, KAUFERT, BOCK, MUSSER, ZIEGELBAUER, HAHN, BALDUS, NASS, GRONEMUS, AINSWORTH, LA FAVE and SERATTI, cosponsored by Senators HUELSMAN, BURKE, A. LASEE, MOEN and DARLING. Referred to Special committee on State-Federal Relations.

- 1     **AN ACT to create** 175.40 (7) of the statutes; **relating to:** the authority of federal  
2     law enforcement officers to make arrests and render assistance.

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### *Analysis by the Legislative Reference Bureau*

Under current law, state and local peace officers generally do not have authority to act outside their territorial jurisdictions. One exception allows these officers to make arrests and provide assistance anywhere in the state under the following conditions:

1. The officer is in uniform, on duty and on official business. If the officer is using a vehicle, it must be a marked police vehicle.
2. The officer is taking action that he or she would be permitted to take in his or her home jurisdiction.
3. The situation involves either an emergency or a felony.
4. The officer's supervising agency has adopted and implemented written policies regarding this authority.

This bill provides federal law enforcement officers with similar authority. Under the bill, a federal law enforcement officer may make an arrest for a violation of a state law or may provide assistance if the situation involves a felony or may assist a state or local law enforcement officer in an emergency or at the state or local officer's request. A federal officer acting under this new authority has the same immunity from liability that a state or local law enforcement officer has.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 3     **SECTION 1.** 175.40 (7) of the statutes is created to read:

1           175.40 (7) (a) In this subsection:

2           1. "Federal law enforcement officer" means a person employed full-time by the  
3 federal government who may make an arrest with or without a warrant for a  
4 violation of the U.S. Code and who may carry a firearm in the performance of the  
5 person's duties.

6           2. "Wisconsin law enforcement agency" has the meaning given in s. 175.46 (1)  
7 (f).

8           3. "Wisconsin law enforcement officer" has the meaning given in s. 175.46 (1)  
9 (g).

10          (b) A federal law enforcement officer, while engaged in the performance of  
11 official duties, may do any of the following anywhere in the state:

12           1. Make an arrest for a violation of state law or render aid or assistance if the  
13 officer has reasonable grounds for believing that a felony has been or is being  
14 committed in his or her presence and has reasonable grounds for believing that the  
15 person to be arrested has committed the felony.

16           2. Render assistance to a Wisconsin law enforcement officer in an emergency  
17 or at the request of the Wisconsin law enforcement officer.

18          (c) A federal law enforcement officer acting under par. (b) has any immunity  
19 from liability or limit on liability to the same extent as a Wisconsin law enforcement  
20 officer.

21          (d) No federal law enforcement officer, acting solely under the authority under  
22 par. (b), may be considered, for liability purposes, as an employe or agent of this state  
23 or any Wisconsin law enforcement agency for his or her actions within this state. The  
24 federal law enforcement officer is considered as continuing to be an employe of the  
25 agency employing him or her.

